

**“AMERICANS WITH
DISABILITIES ACT
(ADA)”
FORMS PACKET**

INSTRUCTION SHEET

(For Court Users)

Form MC-410

REQUEST FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES AND ORDER Per California Rules of Court (C.R.C.) 989.3

KEEP THIS INSTRUCTION SHEET FOR REFERENCE

- A. Please complete the attached form to request assistance during your visit to the Court. If you need help with the form, please ask court staff or call the ADA Coordinator at (619) 615-6368.

NOTE: Please provide your phone number and fax number (if available) in the applicant section of the "Request for Accommodations" form to allow staff to contact you if there are any questions.

- B. Submit the completed form to staff in the courtroom, at any public counter, or mail it to the address below. You should give the Court as much notice as possible, generally and preferably at least five days, to allow time for the Court to respond to your requested need for accommodation. Allow extra time if your request is mailed.

**San Diego Superior Court
Attention: ADA Coordinator
Post Office Box 120128
San Diego, CA 92112-0128**

If you are running short of time, your request may be faxed to the ADA Coordinator at (619) 685-6537

- C. If you are unsure about the status of your request, please call the ADA Coordinator at the phone number listed above.
- D. If your request is denied, you may seek review of the denial as provided in California Rule of Court, Rule 989.3(g)(2).

APPLICANT'S INFORMATION TO BE KEPT CONFIDENTIAL

MC-410

APPLICANT (name): APPLICANT is <input type="checkbox"/> Witness <input type="checkbox"/> Juror <input type="checkbox"/> Attorney <input type="checkbox"/> Party <input type="checkbox"/> Other (Specify) Person submitting request (name): APPLICANT'S ADDRESS: TELEPHONE NO.:		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827 <input type="checkbox"/> COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814 <input type="checkbox"/> KEARNY MESA BRANCH, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123-1187 <input type="checkbox"/> FAMILY COURT, 1555 6TH AVE., SAN DIEGO, CA 92101-3294 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-6643 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941 <input type="checkbox"/> RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649		
JUDGE:		
CASE TITLE:	DEPARTMENT:	
REQUEST FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES AND RESPONSE		CASE NUMBER:

Applicant requests accommodation under rule 989.3 of the California Rules of Court, as follows:

1. Type of proceeding: ☐ Criminal ☐ Civil
2. Proceedings to be covered (for example, bail hearing, preliminary hearing, trial, sentencing hearing, family, probate, juvenile):
3. Date or dates needed (specify):
4. Impairment necessitating accommodation (specify):
5. Type or types of accommodation requested (specify):
6. Special requests or anticipated problems (specify):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE)

RESPONSE

The accommodation request is **GRANTED** and the court will provide the

- ☐ requested accommodation, in whole
☐ requested accommodation, in part (specify below):
☐ alternative accommodation (specify below):

For the following duration:

- ☐ For the above matter or appearance
☐ From (dates): to
☐ Indefinite period

Date:

(TYPE OR PRINT NAME)

The accommodation is **DENIED** because it

- ☐ fails to satisfy the requirements of rule 989.3
☐ creates an undue burden on the court
☐ fundamentally alters the nature of the service, program, or activity

For the following reason (attach additional pages, if necessary): [See Cal. Rules of Court, rule 989.3(g), for the review procedure.]

(SIGNATURE)

☐ SIGNATURE FOLLOWS THE LAST PAGE OF THE RESPONSE.

California Rules of Court

Rule 989.3. Requests for accommodations by persons with disabilities

- (a) **[Policy]** It is the policy of the courts of this state to ensure that persons with disabilities have equal and full access to the judicial system. To ensure access to the courts for persons with disabilities, each superior and appellate court must designate at least one person to be the ADA coordinator, also known as the access coordinator, or designee to address requests for accommodations. This rule is not intended to impose limitations or to invalidate the remedies, rights, and procedures accorded to persons with disabilities under state or federal law.

(Subd (a) amended effective January 1, 2006.)

- (b) **[Definitions]** The following definitions apply under this rule:

- (1) "Persons with disabilities" means individuals covered by California Civil Code section 51 et seq., the Americans with Disabilities Act of 1990 (42 U.S.C. A7 12101 et seq.), or other applicable state and federal law. This definition includes persons who have a physical or mental impairment that limits one or more of the major life activities, have a record of such an impairment, or are regarded as having such an impairment.
- (2) "Applicant" means any lawyer, party, witness, juror, or other person with an interest in attending any proceeding before any court of this state.
- (3) "Accommodations" means actions that result in court services, programs, or activities being readily accessible to and usable by persons with disabilities. Accommodations may include, but are not limited to, making reasonable modifications in policies, practices, and procedures; furnishing, at no charge to persons with disabilities, auxiliary aids and services, equipment, devices, materials in alternative formats, readers or certified interpreters for persons with hearing impairments; relocating services or programs to accessible facilities; or providing services at alternative sites. Although not required where other actions are effective in providing access to court services, programs, or activities, alteration of existing facilities by the responsible entity may be an accommodation.
- (4) "Rule" means this rule regarding requests for accommodations in any state court by persons with disabilities.

(Subd (b) amended effective January 1, 2006.)

- (c) **[Process]** The following process for requesting accommodations is established:

- (1) Requests for accommodations under this rule may be presented ex parte on a form approved by the Judicial Council, in another written format, or orally. Requests must be forwarded to the ADA coordinator, also known as the access coordinator, or designee, within the time frame provided in subdivision (c)(3).
- (2) Requests for accommodations must include a description of the accommodation sought, along with a statement of the impairment that necessitates such accommodation. The court, in its discretion, may require the applicant to provide additional information about the impairment.
- (3) Requests for accommodations must be made as far in advance as possible, and in any event must be made no fewer than five court days before the requested implementation date. The court may, in its discretion, waive this requirement.

- (4) The court must keep confidential all information of the applicant concerning the request for accommodation, unless confidentiality is waived in writing by the applicant or disclosure is required by law. The applicant's identity and confidential information may not be disclosed to the public or to persons other than those involved in the accommodation process. Confidential information includes all medical information pertaining to the applicant, and all oral or written communication from the applicant concerning the request for accommodation.

(Subd (c) amended effective January 1, 2006.)

- (d) [Permitted communication]** Communications under this rule must address only the accommodation requested by the applicant and must not address, in any manner, the subject matter or merits of the proceedings before the court.

(Subd (d) amended effective January 1, 2006.)

- (e) [Response to accommodation request]** A court must respond to a request for accommodation as follows:

- (1) The court must consider, but is not limited by, California Civil Code section 51 et seq., the provisions of the Americans With Disabilities Act of 1990, and other applicable state and federal laws in determining whether to provide an accommodation or an appropriate alternative accommodation.
- (2) The court must inform the applicant in writing as may be appropriate, and if applicable, in an alternative format, of the following: (a) that the request for accommodations is granted or denied, in whole or in part; and if the request for accommodation is denied, the reason therefor; or that an alternative accommodation is granted; (b) the nature of the accommodation to be provided, if any; and (c) the duration of the accommodation to be provided.

(Subd (e) amended effective January 1, 2006.)

- (f) [Denial of accommodation request]** A request for an accommodation may be denied only when the court determines that:

- (1) The applicant has failed to satisfy the requirements of this rule; or
- (2) The requested accommodation would create an undue financial or administrative burden on the court; or
- (3) The requested accommodation would fundamentally alter the nature of a service, program, or activity.

(Subd (f) amended effective January 1, 2006.)

- (g) [Review procedure]**

- (1) An applicant or any participant in the proceeding in which an accommodation request has been denied or granted may seek review of a determination made by nonjudicial court personnel within 10 days of the date of the response by submitting, in writing, a request for review to the presiding judge or designated judicial officer.
- (2) An applicant or any participant in the proceeding in which an accommodation request has been denied or granted may seek review of a determination made by a presiding judge or another judicial officer within 10 days of the date of the notice of determination by filing a petition for extraordinary relief in a court of superior jurisdiction.

(Subd (g) amended effective January 1, 2006.)

- (h) **[Duration of accommodations]** The accommodations by the court must be provided for the duration indicated in the response to the request for accommodation and must remain in effect for the period specified. The court may provide an accommodation for an indefinite period of time, for a limited period of time, or for a particular matter or appearance

(Subd (h) amended effective January 1, 2006.)

Rule 989.3 amended effective January 1, 2006; adopted effective January 1, 1996

Drafter's Notes

1996—The council adopted this new rule to help implement the Americans with Disabilities Act, which requires public entities, including the courts, to make reasonable modifications in policies, practices, or procedures to avoid discrimination against persons with disabilities. Public entities are also required to ensure that equally effective communication exists between the entity and persons with disabilities as between the entity and persons without disabilities. The public entity, however, is not required to make any modifications nor take any action that would fundamentally alter the service, activity, or program, or result in undue financial and administrative burdens.